

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | |
|--|---|
| In re: KATHLEEN CORBETT, Debtor, CONSUMER PORTFOLIO SERVICES, INC., Movant, v. KATHLEEN CORBETT, LANCE CORBETT, and WILLIAM C. MILLER, Interim Chapter 13 Trustee, Respondents. | Bankruptcy No. 18-13046-jkf Chapter 13 Doc. No. |
|--|---|

**CONSUMER PORTFOLIO SERVICES, INC.'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AND CO-DEBTOR STAY**

AND NOW, Consumer Portfolio Services, Inc. ("Movant"), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay and Co-Debtor Stay (the "Motion"), representing as follows:

PARTIES

1. Movant is a corporation with offices in Irvine, CA.
2. Kathleen Corbett, ("Debtor"), and Non-filing Co-Debtor, Lance Corbett ("Co-Debtor"), are adult individuals with a place of residence located at 105 Berry Lane, Feasterville Trevose, PA 19053.
3. William C. Miller, is the duly appointed Interim Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

4. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

5. On or about May 4, 2018, the Debtor filed a voluntary petition for relief under chapter 13 of Title 11 of the United States Code, 11 USC §§ 101 *et seq* (as amended, the “Bankruptcy Code”).

6. On or about July 29, 2015, Debtor and Co-Debtor purchased a 2015 Hyundai Sonata Sedan 4D Sport 2.4L I4, VIN 5NPE34AF5FH111436 (the “Vehicle”), pursuant to a Retail Installment Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

7. The Contract requires 72 monthly payments of \$684.81, which amounts are due on or before the 12th of each month.

8. As of the date of this Motion, the post-petition delinquency on the account is \$2,321.83 not including attorney’s fees and costs. A true and correct copy of the payment history is attached hereto as **Exhibit B**.

9. The payoff on the Contract is \$24,692.91.

10. The N.A.D.A. value for the Vehicle is \$14,075.00. A true and correct copy of a printout showing that value is attached hereto as **Exhibit C**.

11. Movant seeks relief from stay and co-debtor stay as the result of Debtor and Co-Debtor’s failure to make post-petition payments on the Vehicle.

12. Movant requests that this Honorable Court agree to waive the stay provision of Fed. R. Bankr. P. 4001(a)(3) does not apply to this order.

13. In the event relief from stay is granted, Movant further requests relief from the Co-Debtor Stay to pursue the Co-Debtor for any amounts remaining due and owing pursuant to the terms of the underlying Contract subsequent to the sale of the collateral. 11 U.S.C. § 1301(c).

14. Movant further requests that the Debtor and Non-filing Co-Debtor shall be compelled to disclose the location of the Vehicle, and shall cooperate with its surrender.

WHEREFORE, Movant, Consumer Portfolio Services, Inc., respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay and Co-Debtor Stay with respect to the 2015 Hyundai Sonata Sedan 4D Sport 2.4L I4, VIN 5NPE34AF5FH111436.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

By: /s/ Keri P. Ebeck
Keri P. Ebeck
PA I.D. # 91298
kebeck@bernsteinlaw.com
707 Grant Street, Suite 2200
Pittsburgh, PA 15219
412-456-8112
Fax: (412) 456-8120

*Counsel for Consumer Portfolio Services,
Inc.*

Dated: November 21, 2018